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July 6, 2009

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Attention: Andrea Smith,
Petitions Examiner
Office of Petitions



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In re Patent No.: 7,405,759
Issue Date: July 29, 2008
Application No.: 09/966,484
Filed: September 28, 2001
Applicant: Bruce Radl
Our Ref.: 13076-0002001

Dear Examiner Smith:

This a request for reconsideration of the decision on petition mailed November 13, 2008 in the above matter, which was issued on the Request for Certificate of Correction filed August 11, 2008. A copy of the decision is attached.

In the Request, patentee requested issue of a certificate of correction removing the name of "Mosaic Imaging, Inc., Stow, MA (US)" as assignee, which had appeared in error, without deceptive intention, on the issue fee transmittal. A copy of the proposed certificate of correction is also attached.

In the Decision on Petition, it is apparent that the Request was inadvertently treated as a request to add the name of Mosaic Imaging as assignee, which was, of course, then denied because no assignment document was submitted or of record. This was discussed in a telephone interview with Petitions Examiner Andrea Smith on July 2nd, whose assistance in addressing this matter is appreciated.

At the recommendation of Petitions Examiner Smith, patentee is submitting this letter requesting reconsideration of the decision on petition mailed November 13, 2008, and for issue of the requested Certificate of Correction removing the name of Mosaic Imaging as assignee.

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Please contact the undersigned by telephone if there are further issues to be addressed in resolution of this matter.

Very truly yours,



Charles Hieken

Timothy A. French

Enclosures

22225621.doc



UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Patent No. 7,405,759	:	
Issue Date: July 29, 2008	:	
Application No. 09/966,484	:	ON PETITION
Filed: September 28, 2001	:	
Patentee: Bruce M. Radl	:	

This is a decision on the Request for Certificate of Correction filed August 11, 2008, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee's name on the front page of the above-identified patent by way of a certificate of correction.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, **must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent**, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

The petition is **dismissed**.

Petitioner requests issuance of a Certificate of Correction in the name of "Mosaic Imaging, Inc., Stow, MA." However, USPTO assignment records fail to show recordation of the documentary evidence of the chain of title from the original inventor(s) to the current assignee. Since no documentary evidence of the chain of title was submitted for recordation and/or recorded prior to issuance of the above patent, a Certificate of Correction would not be in order. *See* MPEP Section 306.

¹ See MPEP 1309, subsection II and Official Gazette of June 22, 2004

Since the request cannot be granted, the \$100 Certificate of Correction fee submitted on August 11, 2008 will be applied towards the \$130 processing fee for treatment of the instant request. Therefore, the difference of \$30 will be charged to petitioner's deposit account, as authorized.

Further correspondence with respect to this matter should be addressed as follows:

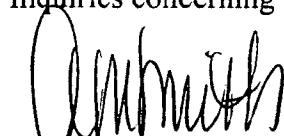
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By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The Centralized facsimile number is (571) 273-8300, and documentation to this number should be addressed to the Office of Petitions.

This application file is being referred to Files Repository.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.



Andrea Smith
Petitions Examiner
Office of Petitions

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Only

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 7,405,759
APPLICATION NO : 09/966,484
DATED : JULY 29, 2008
INVENTOR(S) : BRUCE M. RADL

It is certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Delete "Assignee: Mosaic Imaging, Inc., Stow, MA (US)"

MAILING ADDRESS OF SENDER:

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